IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL CASE NO. 3:03cv352

FRED SUTER, et al.,)
Plaintiffs,)
vs.) ORDER
ALBERT ESPOSITO, et al.,)
Defendants.)
	,

THIS MATTER is before the Court on its own motion. On September 26, 2007, the Court entered an Order [Doc. 30], directing the Plaintiffs to show good cause within ten days for the failure to effect service on the Defendants within 120 days from the filing of the complaint. The Order further advises the Plaintiffs that failure to respond in writing within ten days would result in a dismissal without prejudice of this action.

The ten-day period (excluding weekends and holidays) expired on October 11, 2007. Plaintiffs have failed to respond in writing to the Court's Order. Accordingly, **IT IS HEREBY ORDERED** that the Plaintiffs' action

against each of the following Defendants is **DISMISSED WITHOUT**

PREJUDICE:

(1) Albert Esposito;
(2) Susan Esposito;
(3) Caylon Esposito;
(4) Ramon Vazquez;
(5) Michael Bruce Branch
(6) Mark Mucci;
(7) Paul Sutta;
(8) Marshall Wells;
(9) William I. Morrell;
(10) William Webster;
(11) Carl L. McCool;
(12) Ron Wood;
(13) Mary Andrews;
(14) Patrick LaRose;
(15) Teddy St. Louis;
(16) Walter Simmons;
(17) Richard Tucker;

- (18) William L. Collins;
- (19) Patrick Lockery;
- (20) John Roberson;
- (21) Fernie Bryant;
- (22) Syd Shepard;
- (23) Club Carib, Inc.;
- (24) Secured Futures, LLC;
- (25) Caribbean Merchants Bank;
- (26) Freedom Advisors;
- (27) Innovadata, A.G.;
- (28) Summit Investments;
- (29) Cheetah Investments;
- (30) Premier Financial Services;
- (31) Silver Star Holdings;
- (32) Southtech Holdings, Inc.;
- (33) St. Louis & St. Louis Limited Partnership;
- (34) Energy Conversions, LLC;
- (35) Oxir Investments Limited;
- (36) Silverstar Holdings, Inc.; and

(37) Red Hen, Inc.

IT IS, THEREFORE, ORDERED that the Court *sua sponte* dismisses this action without prejudice for failure to prosecute.

IT IS SO ORDERED.

Signed: October 15, 2007

Martin Reidinger

United States District Judge